

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#32

In re Reissue Application of:

Soon Sun SHIM

U.S. Serial No.: 09/679,896

Filed: October 5, 2000

U.S. Patent No.: 5,819,002

Issued: October 6, 1998

RECEIVED
NOV 14 2000
OFFICE OF PETITIONS

Group Art Unit: 2615

Examiner: Thai Tran

For: METHOD FOR AUTOMATIC SETTING OF A TIMER RESERVATION MODE
AND AN ASSOCIATED CLOCK IN A V.C.R.

PETITION TO THE COMMISSIONER

Attention: Office of Petitions
Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

On November 6, 2000, a Notice of Incomplete Reissue Application (hereinafter referred to as the "Notice") was mailed by the U.S. Patent & Trademark Office for the above-identified reissue application. The Notice states:

The application was deposited without drawings. 35 U.S.C. §113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. §113 (first sentence).*

Firstly, a Reissue Patent Application Transmittal, a copy of which is enclosed, was filed concurrently with the reissue application on October 5, 2000, wherein item 7 of the reissue patent application transmittal indicated that the USPTO should transfer the drawings from the patent file. It is to be noted that the drawings in the reissue application are exactly the same as those in the

patent file, and thus, the drawings which were in the patent file were indicated for use in this reissue application. Therefore, the drawings for the reissue application are not new material, but were already part of the original application and published in the issued patent. Therefore, there is no addition of new material in this reissue application as it was clearly indicated by the applicant that the drawings from the patent file should be used for this reissue application.

Secondly, 35 U.S.C. §113 drawings states that "the applicant shall furnish a drawing where necessary for the understanding of the subject matter sought to be patented. When the nature of such subject matter admits of illustration by a drawing and the applicant has not furnished such a drawing, the director may require its submission within a time period of not less than two months from the sending of notice thereof."

It is respectfully submitted that the drawings are not necessary for the understanding of the subject matter sought to be patented. The nature of such subject matter does admit to illustration by drawings, but as just noted, is not necessary for the understanding of the subject matter sought to be patented.

The specification clearly describes the interconnections between the various elements which are shown in FIG. 1 and the operations of the method shown in FIGS. 2A and 2B.

The specification clearly describes each of the elements shown in FIG. 1, along with the various connections between the elements, for example, using language such as "the microprocessor being connected to the remote controller receiving part (20), displaying part (30), storing part (40) and on-screen display controlling part (50)." See column 2, lines 18 through 28 of the reissue application. Column 2, lines 37 through 42 uses such language as "on-screen display controlling part (50), as well as being connected to the microprocessor (10), is connected to the composite video signal (C-VIDEO) terminal."

Each of the steps disclosed in FIGS. 2A and 2B is described in at least column 2, lines 47 through column 5, line 36 of the reissue application. Column 2, line 64 even uses the language "the above routines will be described in detail."

Based on the foregoing, it is respectfully submitted that FIGS. 1 through 2B of the original patent are not necessary for the understanding of the subject matter sought to be patented, although the nature of the subject matter admits of illustration by these drawings.

Accordingly, in view of the reasons set forth above, it is respectfully requested that the filing date of October 5, 2000, which is the receipt date of the above-identified reissue application, be accorded to the above-identified reissue application. It is also respectfully requested that the director allow the submission of the drawings within a time period of not less than two months from the sending of the aforementioned notice as required by 35 U.S.C. §113.

Enclosed is the Letter to the Official Draftperson and a copy of the drawings for the above-identified reissue application which are exactly the same as those of the patent from which this reissue application is based. In addition, as requested concurrently with the submission of the above-identified reissue application, it is respectfully requested that the drawings from the patent file be transferred to the above-identified application.

Also enclosed is the petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h). As the application is entitled to a filing date, a request for a refund of the petition fee is respectfully requested.

It is respectfully submitted that a newly executed oath or declaration covering the items mentioned in the Notice is not required for the foregoing reasons.

If any further fees are required in connection with the filing of this Petition, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

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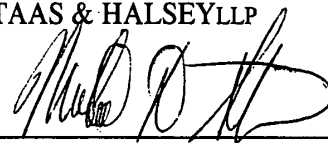
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11/13/00

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Respectfully submitted,

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